

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RANDY BRYANT,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:18CV347
	)	
MARUY CORRECTIONAL INSTITUTION,	)	
	)	
Respondent.	)	

ORDER AND RECOMMENDATION

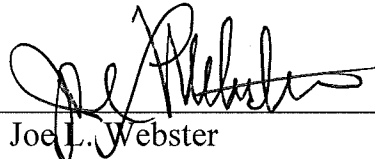
Petitioner, a prisoner of the State of North Carolina, submitted a Letter in which he attacks the execution of his sentence. Where a petitioner attacks the execution and not the imposition of a sentence, his filing invokes 28 U.S.C. § 2241. See, e.g., Youngworth v. United States Parole Commission, 728 F. Supp. 384, 388 (W.D.N.C. 1990). Therefore, the Court treated Petitioner's Letter as a petition for a writ of habeas corpus under § 2241. In a § 2241 action challenging the execution of the sentence of a petitioner in physical custody within the United States, the petition should be filed in the district court of the district where the petitioner is in custody. See Kanai v. McHugh, 638 F.3d 251, 255 (4th Cir. 2011) (citing Rumsfeld v. Padilla, 542 U.S. 426, 446-47 (2004)). It appears that Petitioner is incarcerated in the Eastern District of North Carolina. Accordingly, Petitioner should seek the proper forms from the Clerk of that district and file any § 2241 petition there. The address for the Clerk is: 310 New Bern Avenue, Room 574, Raleigh, NC 27601.

*In forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation of dismissal with permission to file a new petition in the proper district.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE RECOMMENDED that this action be dismissed *sua sponte* without prejudice to Petitioner filing in the proper district.

This, the 1<sup>st</sup> day of May, 2018.

A handwritten signature in black ink, appearing to read "Joe L. Webster", is written over a horizontal line.

Joe L. Webster  
United States Magistrate Judge